IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

Crl.MC.No. 2690 of 2007()

CC.22/2000 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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PETITIONER: ACCUSED NO.1 & 2

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1. SHRI. GOPALAKRISHNAN , AGED ABOUT 61,
   RETIRED AS ADDL. DIRECTOR, PUBLIC RELATIONS DEPT,
   THITUVANANTHAPURAM, NOW RESIDING AT
   USHA MANDIRAM, KAZHAKOOTAM,
   THIRUVANANTHAPURAM-DISTRICT.

2. SMT. USHA GOPALAKRISHNAN, AGED ABOUT 52,
   W/O GOPALAKRISHNAN, NOW RESIDING AT
   USHA MANDIRAM, KAZHAKOOTAM,
   THIRUVANANTHAPURAM-DISTRICT.

BY ADV. SRI.M.H.HANIL KUMAR

RESPONDENTS: COMPLAINANT & STATE

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1. VIJAYAKUMARI, W/O LATE SADANANDAN.D,
   KUZHIVILAKAKATHU HOUSE, ORUMATHILKOTTA,
   ANAYARA P.O., THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2690 of 2007

Dated this the 23rd day of August, 2007

O R D E R

The short grievance of the petitioners/accused in C.C.No.22 of 2000 pending before the Additional Chief Judicial Magistrate Court, Trivandrum is that their prayer for issue of an order framing charge has been unjustifiably rejected by the learned Additional Chief Judicial Magistrate.

2. Charges have been framed against the accused. The petitioners are certainly entitled for a copy of the court charge. No separate order framing charge as such is necessary. Only when there is a discharge, need the Court write a detailed order explaining reasons. The petitioners can apply for and obtain copy of the court charge. If they think it necessary, they can also apply for the order sheet of the relevant date/dates. I need only observe that if the petitioners make such a fresh application specifying the need of copy of the court charge framed by the court and the order passed on any particular date available in the order sheet, the learned Additional Chief Judicial Magistrate Court must issue such copies to the petitioners.

2. In the result, this Crl.M.C is allowed to the above extent.

3. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-